

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
MATTHEW J. MADDOX
MAGISTRATE JUDGE
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U.S. COURTHOUSE
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STREET
BALTIMORE, MARYLAND
21201
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March 28, 2022

MEMORANDUM TO COUNSEL

Re: *Angela K. Wallace v. Julie A. Hill*
Civil No.: MJM-21-1701

Dear Counsel:

Pursuant to the Standing Order Concerning Discovery (ECF No. 29), counsel for plaintiff Angela K. Wallace (“Plaintiff”) and counsel for non-party Evert R. Hawk, II filed a joint letter with the Court dated March 15, 2022, regarding a dispute over six subpoenas issued to non-parties Navy Federal Credit Union (“Navy Federal”), Booz Allen Hamilton, PCI Management LLC, Taylor Properties, Heritage Title Ltd., and Century 21 New Millennium. (ECF No. 30). Each subpoena requested particular records and documents related to Mr. Hawk, a third-party witness in this case. On March 18, 2022, counsel for Plaintiff and counsel for Mr. Hawk filed letters detailing their positions. ECF Nos. 32 & 33. On March 24, 2022, counsel for Plaintiff filed copies of the contested subpoenas as directed by the Court. (ECF No. 36).

Having reviewed the foregoing letters and subpoenas and conducted a telephone conference with counsel on March 24, 2022, I require no additional briefing. I have conducted the proportionality analysis required by Fed. R. Civ. P. 26(b) and 45(d) and *Va. Dept. of Corr. v. Jordan*, 921 F.3d 180, 189-90 (4th Cir. 2019). Pursuant to Fed. R. Civ. P. 26(c)(1) and 45(d)(3), I find there is good cause to order modification of the challenged subpoenas and confidentiality provisions for any information and documents provided in response to the subpoenas. The subpoenas shall be modified, and information and documents provided in response to the subpoenas shall be subject to a confidentiality order, as follows:

1. Counsel for Plaintiff shall promptly strike item #7 from the attachment to the subpoena issued to Navy Federal. This order is without prejudice to later issuance of a narrower and more focused request for records from Navy Federal concerning Mr. Hawk. Counsel for Plaintiff is directed to notify counsel for Mr. Hawk and seek Mr. Hawk’s consent in advance of issuing any subpoena to Navy Federal that expressly requests records concerning Mr. Hawk. Any information or documents provided by Navy Federal in response to any later subpoena requesting records concerning Mr. Hawk shall be subject to the provisions of the confidentiality order issued contemporaneously with this letter.

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2. Counsel for Plaintiff shall promptly modify the subpoena issued to Booz Allen Hamilton to request only documents reflecting or related to the investigation of Evert R. Hawk, II in August 2015 regarding personnel issues, suspensions or terminations, and/or time-card issues, corrections or overcharges, including any related emails or other communications.

3. Counsel for Plaintiff shall promptly modify the subpoena issued to PCI Management LLC to request only documents reflecting or related to the investigation of Evert R. Hawk, II in August and/or September 2017 regarding personnel issues, suspensions or terminations, and/or time-card issues, corrections or overcharges, including any related emails or other communications.

4. Counsel for Plaintiff shall promptly modify the time frame listed in the attachments to the subpoenas issued to Taylor Properties and Heritage Title Ltd. to November 1, 2017 to present.

5. If any of the foregoing subpoena recipients responds to the original version of its subpoena before counsel for Plaintiff makes the modifications ordered above, counsel for Plaintiff shall not seek any further information or documents that are outside the scope of the subpoenas as modified by this order.

6. I understand from counsel that Century 21 New Millennium has already responded to the subpoena issued to it. Counsel for Plaintiff shall not seek any further information or documents from Century 21 New Millennium that pre-date November 1, 2017.

7. All information and documents provided by the subpoena recipients in response to the foregoing subpoenas shall be designated confidential and subject to the confidentiality order filed contemporaneously with this letter.

Despite the informal nature of this letter, it is an ORDER of the Court and will be docketed accordingly.

Very truly yours,

/S/

Matthew J. Maddox
United States Magistrate Judge

cc: Court file